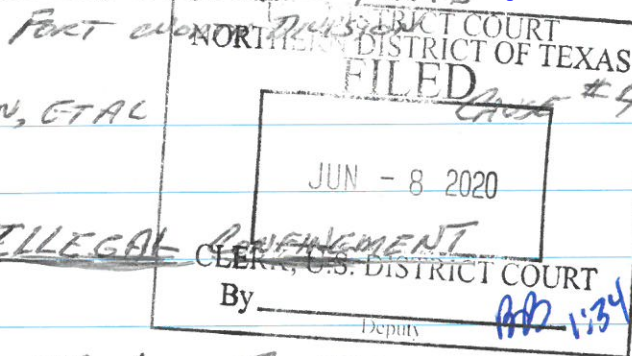


IN UNITED STATES DISTRICT COURT



LUTZ vs. WAYBOURN, ETAL

Case #4:18-cv-00341

COMES NOW, JOE LUTZ, PLAINTIFF IN ABOVE NUMBERED CAUSE AND WOULD SHOW THIS COURT, THAT HAVING COMPLETED OVER 140% OF HIS TWO YEAR SENTENCE - WHEN FLAT TIME PLUS GOOD TIME EQUAL SENTENCE, HE SHALL BE RELEASED - LAW IN EFFECT IN 1982 AT CONVICTION. STATE HAS LOST AUTHORITY TO HOLD PRISONER AND IS GUILTY OF VIOLATION OF EX POST FACTO CLAUSE, U.S. CONST. ART. I, <sup>CL 3 A 5/10, 211</sup> 32, 9, A CLEARLY ESTABLISHED FEDERAL LAW. PLAINTIFF HAS BROUGHT THIS FACT TO OFFICIALS ATTENTION AND WAS MET BY DELIBERATE INDIFFERENCE AND NOW SEEKS THE COURTS AID.

FURTHER, PLAINTIFF HAS MADE PAROLE - STATUS - FI-4R-8-2020. THE BOARD STILL HAS PLAINTIFF CLASSIFIED AS AN S/10 EVEN AFTER PASSING POLYGRAPHS 10 YEARS AGO. PLAINTIFF HAS BEEN FORCED TO LIVE WITH THIS LABELING AS THE BOARD FAILED TO REMOVE SANCTIONS AS WAS PROMISED BY THERAPIST. THIS CONCERN OF PLAINTIFF WAS PRESENTED TO THIS COURT FOR A RULING, BUT THE COURT NEVER GOT TO ANY DISCOVERY ON ANYTHING, ALTHO PLAINTIFF DID SUBMIT FOR DISCOVERY. IN THIS CASE, THE DELAY OF RELEASE UNTIL 8-2020, ON ACCOUNT OF A SUBSEQUENTLY ENACTED PAROLE PROVISION CONSTITUTES ANOTHER EX POST FACTO VIOLATION, ESPECIALLY AS THE POLYGRAPHS SHOWED COMPLETE INNOCENCE.

PLAINTIFF WAS MOVED TO THIS UNIT ENROUTE TO AN AIR-CONDITIONED UNIT AS HE HAS MEDICAL HEAT RESTRICTIONS. THIS UNIT IS NON A/C METAL BUILDING AND WITH OUTSIDE TEMPERATURES IN THE MID NINETIES, AND PLAINTIFFS AGE OF 71, HE IS IN DISTRESS. THE GOVERNOR OF TEXAS AND THE CENTER FOR DISEASE CONTROL (CDC),

LUTZ vs WAYBURN, ETAL

CAUSE # 4:18cv 00341

ILLEGAL CONFINEMENT

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FURTHER, PLAINTIFF HAS MADE PAROLE - STATUS - F1-48-8-2020. THE BOARD STILL HAS PLAINTIFF CLASSIFIED AS AN S/0 EVEN AFTER PASSING POLYGRAPHS 10 YEARS AGO. PLAINTIFF HAS BEEN FORCED TO LIVE WITH THIS LABELING AS THE BOARD FAILED TO REMOVE SANCTIONS AS WAS PROMISED BY THERAPIST. THIS CONCERN OF PLAINTIFF WAS PRESENTED TO THIS COURT FOR A RULING, BUT THE COURT NEVER GOT TO ANY DISCOVERY ON ANYTHING, ALTHO PLAINTIFF DID SUBMIT FOR DISCOVERY. IN THIS CASE, THE DELAY OF RELEASE UNTIL 8-2020, ON ACCOUNT OF A SUBSEQUENTLY ENACTED PAROLE PROVISION CONSTITUTES ANOTHER EX POST FACTO VIOLATION, ESPECIALLY AS THE POLYGRAPHS SHOWED COMPLETE INNOCENCE.

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HAVE MANDATED SOCIAL DISTANCING OF 6 FOOT BETWEEN PERSONS. THIS DISTANCING IS NOT POSSIBLE IN THIS UNIT (LESS THAN 10 INCHES IS BETWEEN SOME BUNKS HERE) AND ON PAK UNIT A DIVIDER OF LESS THAN 2 INCHES SEPARATES BUNKS. PLAINTIFF BROUGHT THE CLOSENESS OF THE BUNKS TO APT. WARDEN A. FULLWOODS ATTENTION AND SHE STATED THAT THEY WERE "PERMANENT FIXTURES". THEY ARE SECURED BY 4 NUTS, ONE FOR EACH LEG. AS THIS UNIT IS CLOSING SOON, IT WOULD SEEM THAT A MEDICAL RELATED DISTANCING PROBLEM WOULD TAKE PRECEDENT. THIS IS YET MORE DELIBERATE INDIFFERENCE.

THERE ARE 5 OF US HEAT RESTRICTED, OVER 65, THAT CAME FROM PAK UNIT. PLAINTIFF IS ON A WALKER DUE TO LACK OF MEDICAL CARE IN TARRANT COUNTY (THE BASIS OF THIS ACTION), AND ANOTHER OF THE 5 IS ON A CANE. (HE HAS NO FOOT). YET NO ARRANGEMENTS TO MOVE US HAVE HAPPENED. THE BOARD OF PAROLES SAYS THEY ARE RELEASING ALL THAT ARE ELIGIBLE, BUT I CAN ATTEST THAT IS FALSE. THERE ARE MORE THAN JUST ME ON THIS UNIT WITHIN 30 DAYS OF RELEASE - IT IS TIME TO HOLD THE OFFICIALS OF TEXAS ACCOUNTABLE FOR THEIR ACTIONS.

I PRAY THIS COURT TO MAKE TEXAS FOLLOW ITS OWN RELEASE STATUTES AND ABIDE BY THE U.S. CONSTITUTION. AGAIN, THE LAW LIBRARY HAS NOT SENT THE REQUESTED MAILING SUPPLIES. I WILL AGAIN REQUEST THEM (4TH TIME) BUT THIS COURT WILL AGAIN HAVE TO COMPLETE SERVICE TO STATES ATTORNEY.

RESPECTFULLY SUBMITTED,

Joe Lutz

JOE LUTZ PRO SE

GARZA EAST

4304 Hwy 202

BEEVILLE, TX 78102

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U.S. DISTRICT COURT

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